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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
Pre-sessional working group
4-8 December 2000

IMPLEMENTATION OF THE INTERNATIONAL CONVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the initial report of Nepal concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.45)

GE.00-46624 (E)

I. GENERAL INFORMATION

A. General legal framework within which human rights are protected

1. Please indicate which of the rights covered by the International Covenant on Economic, Social and Cultural Rights and guaranteed by the Constitution of Nepal are effectively justiciable and whether there is any case law in that regard.

2. Can the Covenant be directly applied within Nepal's legal framework?

3. Please provide information on existing State bodies in charge of matters relating to the protection of human rights.

4. Please provide information on whether the State party has adopted a comprehensive national plan of action for human rights, in accordance with paragraph 71 of the Vienna Declaration and Programme of Action.

5. Please explain why the State party has not acceded to or ratified the 1951 Convention relating to the Status of Refugees, the 1967 Protocol thereto, the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.

6. Please describe the position of the State party with regard to the recommendation of the World Conference on Human Rights concerning the preparation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

B. Information and publicity on the rights recognized in the Covenant and other international instruments

7. Please provide information on the measures taken by the State party to inform the public at large, as well as civil servants, lawyers and judges, and law enforcement officials, with regard to the rights contained in the Covenant, as well as with regard to other international human rights instruments.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.1. International cooperation

8. Does the State party ensure that its obligations under the covenant are taken fully into account when it enters into negotiations concerning international assistance, technical cooperation and other arrangements with international organizations, in particular with international financial institutions?

Article 2.2. Non-discrimination

9. In the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.61), the Committee notes that the caste system in Nepal

has been abolished by law, but nevertheless expresses concern that this system still appears embedded in parts of the Nepalese culture. How does the State party plan to remedy the situation?

10. Please provide information on the situation of Bhutanese and Tibetan refugees, as well as other foreigners seeking asylum or refuge in Nepal.

Article 3. Equality between men and women

11. What are the measures taken by the State party to prevent discrimination against women and girl children, especially in rural areas, on account of certain traditional customs?

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. Right to work

12. The Committee would like to have more statistical information on unemployment, broken down by economic sector, gender and age group, over the past five years. Please also provide more information, including statistics, on the problem of underemployment.

13. Please describe the programmes implemented by the State party to lower unemployment, and the results obtained.

14. Please provide statistical information on the number of children who work. In view of the fact that Nepal has ratified ILO Convention No. 138, please provide information on the measures adopted by the State party to eliminate child labour.

Article 7. The right to just and favourable conditions of work

15. Please provide statistical information on occupational accidents and illnesses over the past five years.

16. What is the minimum wage in Nepal, what mechanism is used to set it and how is it adjusted?

17. Please provide information on changes in the real earnings of workers in both the public and private sectors and on their purchasing power, over the past five years.

18. Please indicate to what extent there is discrimination between men and women in practice, notwithstanding existing legislation, in terms of their right to equal employment and equal pay for work of equal value, job security and access to senior positions in the public and private sectors, especially in the rural sector. Please provide statistics on this issue over the past five years, and please indicate the specific measures the State party plans to take to overcome those disparities.

Article 8. Trade union rights

19. Please provide information on the requirements for forming trade unions in Nepal and on how many trade unions exist at present.

20. The Committee would like to know whether the right to strike exists in Nepal, what the requirements are for declaring a strike and how many strikes have taken place in Nepal in the past five years.

Article 9. Right to social security

21. Please indicate what proportion of the national budget is set aside for social security and to what extent that proportion has changed in the past five years.

22. The Committee would like to have detailed information on benefits with regard to common illnesses, occupational accidents and diseases, and invalidity, unemployment, retirement and survivors benefits, in the public and the private sector.

23. Is the social security assistance provided under the existing schemes adequate in meeting the needs of the beneficiaries?

24. Why has Nepal not ratified the ILO conventions on social security?

Article 10. Protection of the family, mothers and children

25. The Committee would like to have information on State party action to combat trafficking in women and children.

26. Please provide information on the prevalence of violence against women and children, either within or outside the family, and on the measures, legislative or otherwise, taken to fight that phenomenon.

27. The Committee would like to know whether Nepal has any "street children" and what the situation of orphans is.

Article 11. Right to an adequate standard of living

28. Please indicate the specific measures taken by the State party to reduce the level of poverty, especially that affecting the most disadvantaged and marginalized groups.

29. Please describe the results of the Plan of Action for Nutrition and the food-for-work programme referred to in paragraphs 136 and 142 of the report. Please provide up-to-date statistics on the degree to which the population's food needs are met.

30. Please provide up-to-date information on the housing situation, in particular on the incidence of homelessness and forced eviction, with reference to the Committee' General Comment No. 7.

31. Please provide detailed information, including statistics, on the problem of homeless and landless persons, and the land reform programme in Nepal.

32. According to information received by the Committee (UNDP Human Development Report 2000), 29 per cent of the population has no access to safe water, 90 per cent have no access to health services and 84 per cent have no access to sanitation facilities. Please indicate what urgent measures have been taken by the State party in this regard and what has been achieved.

Article 12. Right to health

33. Please provide statistical information on the percentage of the State budget allotted for health care over the past five years.

34. Please provide up-to-date information on the health status of the population in terms of the indicators listed in table 10 of the report.

35. The Committee would like to know what programmes the State party is implementing in the health care sector in the light of its obligations, and especially its core obligations, referred to in the Committee's General Comment No. 14 on the right to health.

36. Please provide information on the incidence of sexually transmitted diseases, in particular HIV/AIDS, and the measures adopted for their prevention and treatment.

37. Please provide information on the extent of drug addiction in Nepal and on the measures adopted by the State party to deal with this problem.

38. Please report on the measures that have been adopted in respect of the health care of older persons.

39. Please provide information about measures being taken by the State party to improve the health care system in districts of Nepal which are affected by Maoist insurgencies.

Articles 13 and 14. Right to education

40. What percentage of the State budget was earmarked for education during the past five years?

41. Please provide current statistics, broken down by gender, on the number of students at the various levels of education.

42. Please provide up-to-date statistics, broken down by gender, on drop-out rates at all levels of education, especially the primary school level.

43. Please provide information on human rights education at all levels of the Nepalese educational system.

44. Please provide more specific information on the non-formal education referred to in paragraphs 172 and 173 of the report.

45. Please provide more information on the measures taken by the State party to ensure that ethnic groups and minorities are able to use their own languages at all levels of education, as guaranteed in article 20 of the Nepalese Constitution.

Article 15. Right to take part in cultural life

46. What steps have been taken by the State party to promote participation in cultural life by the various ethnic groups and minorities in Nepal? What measures are being taken to help those ethnic groups and minorities to preserve their identity and cultural heritage? In particular, please provide information on the measures the State party has taken to allow the use of their own languages by ethnic groups and minorities, as guaranteed by Article 20 of the Nepalese Constitution.

47. Please provide up-to-date information on the benefits and assistance given to the population, in general, and, in particular, to young persons, students, older persons, persons with disabilities, and the disadvantaged and marginalized groups in society to participate in and to benefit from the cultural activities of the State party.